

Franks, Gaines, Hall, Henry, Pyle, Randle, Ruby, Saylor, Sayers, Swift, Tendick and Word—17.

Senator Pyle moved to recommit the bill.

Senator Ruby moved to refer the bill to committee of the whole to-morrow at 11:30 o'clock, which was lost by the following vote:

Yeas—Senators Baker, Cole, Ford, Fountain, Henry, Randle, Ruby, Saylor and Tendick—9.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Flanagan, Franks, Gaines, Pyle, Rawson, Sayers, Swift, Tracy and Word—15.

Senator Flanagan moved to adjourn, which was lost by the following vote:

Yeas—Senators Baker, Ball, Evans, Ford, Flanagan, Fountain, Gaines, Hall, Pyle, Rawson, Randle and Tracy—12.

Nays—Senators Avinger, Cole, Dillard, Dohoney, Finlay, Franks, Henry, Ruby, Saylor, Sayers, Tendick, Word and Mr. President—13.

The vote was then taken on Senator Pyle's motion to recommit. Lost.

On motion of Senator Ruby, the Senate adjourned to 10 o'clock A. M. to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, March 5, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

Journal of yesterday read and adopted.

The following message was received from his Excellency the Governor, which was read and referred to a select committee appointed yesterday on Comptroller's and Treasurer's offices:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 5, 1873. }

To the Honorable Senate and House of Representatives of the State of Texas:

GENTLEMEN: In my annual message to your body I mentioned the condition in which I had found the State Treasury when vacated by the late Treasurer, Mr. Honey. I recall to your attention, and repeat what I then stated

in that regard. I further invited "a close scrutiny of the accounts and disbursements of all State officers."

The Comptroller's and Treasurer's offices, because they regulate the finances of the State and disburse the taxes drawn from the people, require especially a rigid examination; but so far, I believe, no progress in that direction has been made by you, owing probably to the pressure of other business.

To the end that the Legislature and the public may fully understand the condition of the Treasury, and the management of that and the Comptroller's office, I have concluded to request the appointment of a joint committee of both houses, with authority in the committee to appoint good accountants for the purpose of a thorough examination, and with plenary power to send for persons and papers, and I suggest that an adequate appropriation therefor be made.

I have to recommend that the committee be directed and empowered to enquire:

1. Whether there was any deficiency of funds in the Treasury when Mr. Honey vacated the office, and the amount thereof.

2. Whether or not the Treasury has been used for shaving the State's warrants, and the extent of its use in that way.

3. Whether the accounts of the Treasurer have been regularly balanced by the Comptroller at the end of each quarter, as required by law. (Article 5432, Paschal's Digest.)

4. Whether, at any time, there was collusion between the Comptroller, or any of his clerks, and the Treasurer, in regard to shaving warrants at the Treasury.

5. Whether the Comptroller's office is competently managed, and whether the books and accounts therein are kept correctly and in such manner as to show the true condition of the finances.

6. Whether the Comptroller has duly paid into the Treasury all moneys received by him from taxes and other sources, and belonging to the State.

7. Whether the Comptroller has drawn money from the Treasury and permitted the same to be used for other purposes than as directed by law.

8. Whether the Comptroller or any of his clerks have

profited by way of per centage retained on any contracts for work done for his office.

Very respectfully,

EDMUND J. DAVIS, Governor.

Senator Sayers, chairman of the Committee on Engrossed Bills, made the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined the following bills, and find them correctly engrossed:

Senate joint resolution No. 19, concerning the debt of Texas.

Senate amendments to House bill No. 233, "An act regulating elections."

J. D. SAYERS, Chairman.

Senator Dohoney, chairman of the Committee on Education, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Education having had under consideration Senate bill No. 97, "An act to incorporate the Hallville Masonic Institute," ask leave to report the same back to the Senate, and recommend its passage.

E. L. DOHONEY, Chairman.

Senator Finlay, chairman of Judiciary Committee No. 2, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 2, to whom was referred Senate bill No. 88, to be entitled "An act to amend the third section of an act entitled an act concerning divorce and alimony, approved January 6, 1841," having carefully considered the same, I am instructed to report it back to the Senate, with the recommendation that it do pass

GEO. P. FINLAY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 2, to whom was referred House bill No. 311, entitled "An act to make legal and valid an election for mayor, aldermen and constable of the town of La Grange," have carefully considered the same, and I am instructed to report it back, with the recommendation that it do pass.

GEO. P. FINLAY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 2, to whom was

referred House bill No. 144, to be entitled "An act to amend an act entitled an act to establish a Code of Criminal Procedure for the State of Texas, approved August 26, 1856," having carefully considered the same, I am instructed to report it back to the Senate, with the recommendation that it do not pass.

GEO. P. FINLAY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 2, to whom was referred Senate bill No. 130, to be entitled "An act to incorporate the Excelsior College, in Bastrop county," have carefully considered the same, and I am instructed to report it back to the Senate, and recommend its passage.

GEO. P. FINLAY, Chairman.

Senator Tracy introduced a bill entitled "An act to repeal an act entitled an act to organize and define the powers of the Criminal District Court in and for the counties of Galveston and Harris, and to prescribe the duties thereof, approved July 23, 1870, so far as the same relates to the creation of a Criminal District Court for the county of Harris." Read first time, and referred to Judiciary Committee No. 2.

Senator Finlay offered the following resolution:

Resolved, That each member of the Senate be allowed to take twenty copies of any journal or newspaper publishing a synopsis of the proceedings of the Legislature he may select, for distribution among his constituents, to be paid for out of the appropriation for contingent expenses.

Senator Dillard moved to amend by striking out "twenty," and inserting "ten copies."

A message was received from the House informing the Senate that the House had passed House bill No. 341, "An act making an appropriation to defray the contingent expenses of the first session of the Thirteenth Legislature of the State of Texas."

The hour having arrived, the Senate went into executive session.

In the Senate.

On motion of Senator Pyle, the secretary of the Senate was requested to inform his Excellency the Governor that the Senate does advise and consent to the appointment of Hon. J. H. Banton, Judge of the Thirty-third Judicial District.

The question recurring upon the adoption of the amendment offered by Senator Dillard for the resolution offered by Senator Finlay, the yeas and nays were called, with the following result:

Yeas—Senators Ball, Broughton, Dillard, Dohoney, Evans, Henry, Sayers and Word—9.

Nays—Senators Avinger, Baker, Cole, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, King, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Tendick and Tracy—20

Senator Fountain moved to amend by striking out "twenty copies" and inserting "thirty copies."

The amendment was adopted by the following vote:

Yeas—Senators Avinger, Baker, Broughton, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Pyle, Rawson, Randle, Ruby, Saylor, Tendick, Tracy and Word—17.

Nays—Senators Ball, Cole, Dillard, Dohoney, Evans, Finlay, Henry, Latimer, Sayers, Swift and Mr. President—11.

Senator Broughton moved to lay the resolution on the table, which was lost by the following vote:

Yeas—Senators Ball, Broughton, Dillard, Dohoney, Evans, Flanagan, Henry, Sayers, Swift and Word—10.

Nays—Senators Avinger, Baker, Cole, Ford, Finlay, Fountain, Franks, Gaines, Hall, King, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Tendick, Tracy and Mr. President—19.

Senator Dillard moved to refer the resolution to the Committee on Printing.

Senator Swift moved to amend by allowing each member of the Senate to take any number of papers not to exceed thirty.

The amendment was adopted by the following vote:

Yeas—Senators Avinger, Baker, Cole, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Swift and Tendick—18.

Nays—Senators Ball, Broughton, Dillard, Dohoney, Evans, Henry, Sayers, Tracy, Word and Mr. President—10.

Senator Flanagan moved the previous question, which was seconded, and the main question ordered.

The question being Senator Dillard's motion to refer, the yeas and nays were called, and the motion lost by the following vote:

Yeas—Senators Avinger, Ball, Dillard, Dohoney, Evans, Henry, Sayers and Mr. President—8.

Nays—Senators Baker, Broughton, Cole, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Latimer, King, Pyle, Rawson, Randle, Ruby, Saylor, Swift, Tendick, Tracy and Word—21.

The question then recurring upon the adoption of the resolution as amended, the same was put, and the resolution adopted by the following vote :

Yeas—Senators Avinger, Ball, Baker, Cole, Finlay, Ford, Flanagan, Fountain, Franks, Gaines, Hall, King, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Swift, Tendick and Tracy—21.

Nays—Senators Broughton, Dillard, Dohoney, Evans, Henry, Sayers, Word and Mr. President—8.

On motion of Senator Pyle, the rules were suspended, and House bill No. 341, "An act making an appropriation to defray the contingent expenses of the first session of the Thirteenth Legislature," was taken up and read first time; rules suspended, read second time.

Senator Baker moved to amend by striking out "ten thousand" and inserting "twenty thousand." Adopted.

The rules were further suspended, and the bill as amended passed.

Senator Finlay in the chair.

The Senate then proceeded to the consideration of the unfinished business of yesterday, viz., Senate bill No. 51, "An act for the relief of sureties on official bonds."

On motion of Senator Franks, the bill was referred to Judiciary Committee No. 1.

On motion of Senator Sayers, the rules were suspended and Senate bill No. 130, "An act to incorporate the Excelsior College, in Bastrop county," was taken up, read second time and ordered engrossed; rules further suspended, the bill read third time and passed by the following vote :

Yeas—Senators Avinger, Baker, Ball, Cole, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Gaines, Hall, Henry, King, Latimer, Pyle, Rawson, Ruby, Saylor, Sayers, Swift, Tendick, Tracy and Word—24.

Senator King introduced a joint resolution authorizing and requiring the Adjutant General to present to W. E. Ingram, D. W. Roberts, Geo. T. Roberts, J. D. Bird, G. T. Bird, J. C. Davidson, C. S. Jolly, John Biggs,

T. S. Waldrope and James Ingram, each a Winchester rifle. Read first time; rules suspended, read second time; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, King, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Swift, Tendick, Tracy and Word—26.

Senate bill No. 102, "An act for the relief of the heirs of Anthony McGee," was read second time; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Gaines, Hall, Henry, King, Pyle, Rawson, Ruby, Saylor, Sayers, Swift, Tendick, Tracy and Word—21.

A message was received from the House informing the Senate that the House had adopted House concurrent resolution inviting forty thousand Menonites, from the Crimea of Russia to settle in Texas.

Also, that the House had appointed a special committee, to act with a like committee on the part of the Senate, to investigate the offices of the Treasurer and Comptroller.

On motion of Senator Ruby the select committee appointed on yesterday by the President of the Senate to investigate the Treasurer's and Comptroller's offices, was instructed to act with the House committee appointed for that purpose.

Senate bill No. 116, "An act for the relief of Lycurgus E. Griffith," was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Cole, Dillard, Dohoney, Evans, Finlay, Flanagan, Fountain, Franks, Gaines, Henry, King, Latimer, Pyle, Randle, Ruby, Saylor, Swift, Tendick, Tracy and Word—21.

Senator Hall moved to adjourn to 10 o'clock A. M. tomorrow, which was lost by the following vote:

Yeas—Senators Ball, Ford, Gaines, Hall, Pyle, Rawson, Randle and Tracy—8.

Nays—Senators Avinger, Baker, Cole, Dillard, Dohoney, Finlay, Franks, Henry, King, Saylor, Sayers, Swift, Word and Mr. President—14.

Senator Dillard, chairman of the Committee on Printing, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Printing, to whom was referred the consideration of House bill No. 85, entitled "An act directing the publication of the expenditures, assets and indebtedness of the several counties," beg leave to report that they have carefully investigated the same, and recommend that it do pass.

J. E. DILLARD, Chairman.

On motion of Senator Dillard, the rules were suspended and the bill read second time; rules further suspended, read third time and passed.

On motion of Senator Tracy, the Senate then adjourned to 10 o'clock A. M. to-morrow.

SENATE CHAMBER,)
AUSTIN, TEXAS, March 6, 1873.)

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

The journal of yesterday was read and adopted.

Senator Baker presented a petition from the citizens of Caldwell county, protesting against the passage of a hog law. Read and referred to the Committee on Stock and Stock Raising.

Senator Dohoney presented a memorial of the members of the State Council, representing two hundred and eighty subordinate councils of the Friends of Temperance in Texas, praying for the enactment of a law restraining the evils resulting from the use of intoxicating liquors. Read and referred to the Committee on Judiciary No. 1.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, March 6, 1873.)

Hon. E. B. Pickett, President of the Senate of the State of Texas:

SIR: I have to return to the Senate, where it originated, the act entitled "An act conferring the right of suffrage upon such foreign born residents as may have